UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,512	08/29/2000	Juliana Freire Silva	12-13-7-10	9072

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EXAMINER
KHOSRAVAN, JIMAN

ART UNIT	PAPER NUMBER
2141	4

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/650,512	SILVA ET AL.
	Examiner	**Art Unit**	
	Jiman Khosravan	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-81</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-81</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 August 2000</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Drawing Objections

1.   The drawings are objected to because in figure 1, items 105, 106, 109, 111, 12, and 115 are labeled as "SMART BOOKMARKS," "SITE DESCRIPTIONS," "SMART BOOKMARKS," "SITE DESCRIPTIONS," "WEB VIEWS," and "WEB VIEWS," respectively. However, they are referenced in the specification as "file," database," "file," "database," "database," "database," and "database," respectively.

2.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Figure 1, items 120, "WEB VIEW APPLICATION," and 121, "SERVER."

3.   The drawings are objected to because in figure 2, items 212, 214, 216, and 218 are labeled as "WEB VIEWS," "SITE DESCRIPTIONS," "WEB VIEWS," and "WORLDWIDE WEB," respectively. However, they are referenced in the specification as "database," "database," "database," and "web," respectively.

4.   The drawings are objected to because in figure 6, item 601 is labeled as

"WEB VIEWS," but is referenced in the specification as "database."

        A proposed drawing correction, corrected drawings, or amendment to the

specification to add the reference sign(s) in the description, are required in reply to

the Office action to avoid abandonment of the application. The objection to the

drawings will not be held in abeyance.

Specification Objections

5.   The abstract of the disclosure is objected to because of the length of the

abstract.

        Applicant is reminded of the proper language and format for an abstract of

the disclosure.

6.   The abstract should be in narrative form and generally limited to a single

paragraph on a separate sheet within the range of 50 to 150 words. It is important

that the abstract not exceed 150 words in length since the space provided for the

abstract on the computer tape used by the printer is limited. The form and legal

phraseology often used in patent claims, such as "means" and "said," should be

avoided. The abstract should describe the disclosure sufficiently to assist readers

in deciding whether there is a need for consulting the full patent text for details.

Correction is required. See MPEP § 608.01(b).

7.   The disclosure is objected to because of the following informalities:

a) On page 20, lines 5 and 6, server 120 and web view application 121 have

been referenced but are not labeled in figure 3.

b) On pages 1 and 3, lines 11 and 15, respectively, Applicant has omitted

the serial number of the co-pending application.

Appropriate correction is required.

Double Patenting Rejections

8.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to
prevent the unjustified or improper timewise extension of the "right to exclude"
granted by a patent and to prevent possible harassment by multiple assignees. See
In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi,* 759
F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum,* 686 F.2d 937, 214
USPQ 761 (CCPA 1982); *In re Vogel,* 422 F.2d 438, 164 USPQ 619 (CCPA
1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
   A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may
be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent is shown to
be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign
a terminal disclaimer. A terminal disclaimer signed by the assignee must fully
comply with 37 CFR 3.73(b).

9.   Claims 1-5, 10-14, 19-23, 28-32, 37-41, 46-50, 55-59, 64-68, and 73-77 are

provisionally rejected under the judicially created doctrine of obviousness-type

double patenting as being unpatentable over claims 1-5, 10-14, 19-23, 28-32, 37-

41, 43-47, 52-56, 61-65, and 67-71 of copending Application No. 09/650,144.

Although the conflicting claims are not identical, they are not patentably

distinct from each other because both applications have the scope of the invention

in their independent claims. The scope of the pending application includes a

method of creating a personal web view comprising of creating a plurality of web

clippings, each web clipping containing information from an associated one of a

corresponding plurality of web pages, each web page being selected by a user,

where each web clipping is create by generating an access script to automatically

retrieve the web page associated with web clipping, generating an extraction

expression to extract one or more user-selected information elements from the web

page associated with the web clippings and incorporating the access script and the

extraction expression into a specification of the associated web clipping, and

incorporating the specification of each web clipping into a specification of the web

view, and finally storing the specification of the web view wherein the stored

specification of the web view is replayed and active, the plurality of web pages are

automatically retrieved and the selected one or more information elements from

each web page are extracted and incorporated into each associated web clipping

and the plurality of web clippings are combined for display in a browser. The co-

pending application further limits this scope by including a user-specified or

default refresh rate for each web clipping after the web clippings have been

retrieved. The pending application does not include this limitation.

This is a <u>provisional</u> obviousness-type double patenting rejection because

the conflicting claims have not in fact been patented.

Claim Rejections ~ 35 U.S.C. § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (a) the invention was known or used by others in this country, or patented or
> described in a printed publication in this or a foreign country, before the
> invention thereof by the applicant for a patent.

11.   Claims 1-3, 5-6, 10-12, 14-15, 19-21, 23-24, 28-30, 32-33, 37-39, 41-42, 46-

48, 50-51, 55-57, 59-60, 64-66, 68-69, 73-75, and 77-78, are rejected under 35

U.S.C. 102(a) as being anticipated by M. Bauer and D. Dengler: InfoBeans –

Configuration of Personalized Information Services, IUI99, pages 153-156,

hereafter referred to as Bauer.

a) As per claims 1, 19, 46, 64, and 73, Bauer discloses a method for creating

a personal web view comprising of creating a plurality of web clippings, the

personal view comprising a plurality of web clippings, each web clipping

containing information from an associated one of a corresponding plurality of web

pages, each web page being selected by a user from essentially any accessible web

page on any web server (Page 153, paragraph 5; Figure 1), each of the plurality of

web clippings being created by generating an access script to automatically retrieve

the web page associated with the web clipping and generating an extraction

expression to extract one or more user-selected information elements from the web

page associated with the web clipping (Page 153, paragraph 5; Figure 1), and

incorporating the access script and the extraction expression into a specification of

the associated web clipping (Page 153, paragraphs 6 & 7; Page 154, paragraph 1 &

2; Page 155, paragraph 6, incorporating the specification of each web clipping into

a specification of the web view and storing the specification of the web view,

wherein the stored specification of the web view is replayed and active, the

plurality of web pages are automatically retrieved and the selected one or more

information elements from each web page are extracted and incorporated into each

associated web clipping and the plurality of web clippings are combined for

display in a browser (Page 153, paragraph 7; Page 156, paragraphs 1-3).

b) As per claims 10, 28, and 55, Bauer discloses a method of displaying a

personal web view comprising of accessing a specification of the personal web

view, the personal view comprising a plurality of web clippings, each web clipping

containing information from an associated one of a corresponding plurality of web

pages that have been individually selected by a user from essentially any accessible

web page on any web server (Page 153, paragraph 5; Figure 1), the specification of

the personal web view containing a specification for each of the plurality of web

clippings, automatically retrieving the web page associated with each web clipping

in accordance with an access script to retrieve that web page that is associated with

the specification of the web clipping (Page 153, paragraph 7; Page 156, paragraphs

1-3), extracting one or more user-selected information elements from each web

page in accordance with an extraction expression in the specification of each

associated web clipping to create a displayable web clipping containing those

elements, the extraction expression associated with each web clipping indicating

the one or more user-selected information elements from the associated web page

to the included in the web clipping, and combining and displaying in a browser the

plurality of web clippings containing the extracted information elements from the plurality of associated retrieved web pages (Page 153, paragraphs 6 & 7; Page 154, paragraph 1 & 2; Page 155, paragraph 6).

c) As per claim 37, Bauer teaches a memory for storing a specification of a personal web view for execution on a browser comprising a data structure store in the memory where the data structure includes information for automatically retrieving a plurality of predefine web pages that have been selected by a user from essentially any accessible web page on any web server, information for extracting user-selected information content from the plurality of web pages, and information for displaying the extracted information content from the plurality of web pages together as the web view in the browser (Page 153, paragraphs 5-7; Figure 1; Page 154, paragraph 1 & 2; Page 155, paragraph 6: Bauer teaches a standard web-browser running dynamic HTML and JavaScript. Bauer further teaches a server side specialized proxy service where it handles HTTP requests as well as a specialized protocol used during PBD and InfoBean configuration sessions. The client has built-in functionality for adapting HTML-pages).

d) As per claims 2, 11, 20, 29, 38, 47, 56, 65, and 74, Bauer teaches the claimed invention above and further discloses wherein at least one of the web pages is directly retrievable through a specified URL which is incorporated into the

access script to retrieve that web page (Figure 1; Page 153, paragraph 1: The user

enters the URL of the reservation service).

e) As per claims 3, 12, 21, 30, 39, 48, 57, 66, and 75, Bauer teaches the

claimed invention above and further discloses wherein at least one of the web

pages is retrievable through a specified site description which incorporated into the

access script to retrieve that web page (Figure 1; Page 153, paragraph 7; Page 154,

paragraph 12: The InfoBean contains input and output channels used to receive and

pass information between web pages. Furthermore, a wrapper action is performed

in order to gather the specified information for delivery from the documents).

f) As per claims 5, 14, 23, 32, 41, 50, 59, 68, and 77, Bauer teaches the

claimed invention above and further discloses wherein the layout of the web

clippings within the personal web view is incorporate in the specification of the

web view (Page 153, paragraph 8; Page 156, paragraph 5; Figure 1: The user is

able to add or change the InfoBeans. The user interface for configuring and using

InfoBeans is a standard web-browser running dynamic HTML and JavaScript).

g) As per claims 6, 15, 24, 33, 42, 51, 60, 69, and 78, Bauer teaches the

claimed invention above and further discloses wherein the extraction expression

generated for one or more of the web clippings comprises a DOM address of one

or more information elements extracted from the retrieved one web page associated

with the one web clipping (Pages 155-156: The user can select portions of the

document which is then mapped to a parse tree. The user can also enrich the

extraction document by adding key words and tags to better characterize the user's

navigation through the document as well as string matching operations).

Claim Rejections ~ 35 U.S.C. § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the
> time the invention was made to a person having ordinary skill in the art to
> which said subject matter pertains. Patentability shall not be negatived by
> the manner in which the invention was made.

13.   Claims 4, 13, 22, 31, 40, 49, 58, 67, and 76 are rejected under 35

U.S.C. 103(a) as being unpatentable over Bauer, and further in view of Kisor (US

5,809,250).

Bauer teaches the claimed invention above but does not explicitly teach

wherein at least one of the web pages is retrievable through a specified smart

bookmark that is incorporated into the access script to retrieve that web page.

However, Kisor teaches a method of capturing, editing, and sharing a web

browsing session. Kisor further teaches a software program that launched during a

web browsing session that creates a map file so as to keep information needed to

associate a protocol call to the file or files downloaded in response to the protocol

call (Col. 1, lines 30-38).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Kisor in the invention of Bauer,

because Kisor would allow the users of Bauer's system to capture their web

browsing session for replay at a later time. Furthermore, the session file could be

communicated to one or more users that are remote temporarily, geographically, or

both. The session files further provides protocol calls to a user's local browser thus

replaying the recorded browsing session as edited or annotated (Col. 1, lines 7-9 &

30-47 & 58-61).

14.   Claims 7, 16, 25, 34, 43, 52, 61, 70, and 79, are rejected under 35

U.S.C. 103(a) as being unpatentable over Bauer, further in view of Unger et al.

(US 6,230,168), further in view of The World Wide Web Consortium (W3C)

(www.w3c.org/XML), and further in view of Applicant's own disclosure (Page 14,

line 8: www.w3.org/TR/xpath).

Bauer teaches the claimed invention above and further discloses HyQL, a

SQL-like WWW query language that supports flexible selection of document parts

in HTML format (Page 155, paragraph 6). However, Bauer does not explicitly

teach the web clippings comprising of XPATH expressions, which is a language

for addressing parts of an XML document (www.w3.org/TR/xpath). Unger teaches

gathering a set of linked material in a distributed hypertext system into a collection

that will be both be contained and organized. Unger further teaches the scope of

hypertext material includes but is not limited to tagged HTML, SGML, and XML

languages (Col. 1, lines 49-53; Col. 4, lines 31-42).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Unger to use XML in the

invention of Bauer instead of HTML, because XML is straightforwardly usable

over the Internet, it suppors a wide variety applications, it is compatible with

SGML, XML documents are human-legible and reasonably clear, XML design

should be prepared quickly, the design of XML is formal and concise, XML

documents are easy to create (www.w3c.org/XML). Furthermore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made

to use XPATH in the extraction of XML documents because XPATH was

developed by W3C to do such task (www.w3.org.TR/xpath).

15.   Claims 8, 9, 17, 18, 26, 27, 35, 36, 44, 45, 53, 54, 62, 63, 71, 72, 80, and 81

are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer, and further

in view of H. Mizutani, "New Error Correcting Method for BCH Code using

Neural Networks," Circuits and Systems, 1998. IEEE APCCAS, 24-27 Nov. 1998,

Pages: 479 – 482, hereafter referred to as Mizutani.

a) As per claims 8, 17, 26, 35, 44, 53, 62, 71, and 80, Bauer teaches the

claimed invention above but does not explicitly teach where the extraction

expression generated for one or more of the web clippings includes redundancy to

insure that when the web view is replayed the one or more information elements

extracted from the retrieved one web page associated with the one web clipping are

the actual user-selected information elements. Mizutani teaches an error detecting

method and error correcting method for sending data. Mizutani sends redundant

data and errors are detected and corrected (Page 479, paragraph 1).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Mizutani to use redundancy in

sending data to check for errors in the system of Bauer because it is important that

data transmitted though a network is free of errors so that the data received is the

correct information (Page 479, paragraph 1).

b) As per claims 9, 18, 27, 36, 45, 54, 63, 72, and 81, Bauer-Mizutani

teaches the claimed invention above and further discloses wherein the redundancy

comprises at least one string associated with one or more information elements

extracted from the retrieved one web page associated with the one web clipping

(Bauer: Page 155-156" Bauer teaches additional tags like <WORD> and

<SENTENCE> that are used to better characterize the user's navigation through

the document as well as features extending the interactive functionality of the

page).

Conclusion

13.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Jiman Khosravan whose telephone number is

(703) 305-0704. The examiner can normally be reached on Monday - Friday from
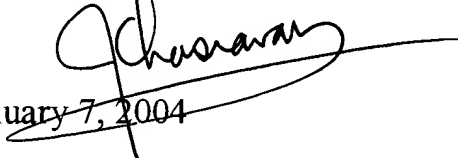
9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax

phone number for the organization where this application or proceeding is assigned

is (703) 872-9306.

Communication via Internet e-mail regarding this application, other than

those under 35 U.S.C. 132 or which otherwise require a signature, may be used by

the applicant and should be addressed to [rupal.dharia@uspto.gov].

All Internet e-mail communications will be made of record in the application

file. PTO employees do not engage in Internet communications where there exists

a possibility that sensitive information could be identified or exchanged unless the

record includes a properly signed express waiver of the confidentiality

requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet

Usage Policy published in the Official Gazette of the Patent and Trademark on

February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703)

305-3900.

Jiman Khosravan
Examiner
Art Unit 2141

January 7, 2004

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER